



Atty. Docket No.: 1002-06

**DECLARATION AND POWER OF ATTORNEY FOR  
UNITED STATES LETTERS PATENT APPLICATION**

**RECEIVED**  
JUN 18 2003  
TECH CENTER 1600/2900

As a below-named inventor, I hereby declare that:

My residence, post-office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**A DEVICE FOR DETECTING BACTERIAL CONTAMINATION AND METHOD OF USE**

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on: May 3, 2001

as Application No.: 09/848,781

and was amended on:  
(if applicable).

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorney Stephen J. Gaudet at 150 Pelham Road, Salem, NH 03079, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above-identified application specification, including the claims, as amended by any amendment specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

## FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

(check one)

- ☒ no such foreign applications have been filed.
- ☐ such foreign applications have been filed as follows:

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country	Application Number	Date of Filing (month, day, year)	Priority Claimed Under 35 USC 119
			___ Yes No ___
			___ Yes No ___
			___ Yes No ___
			___ Yes No ___
			___ Yes No ___

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION


**.CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATION(s)**

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

(check one)

- ☐ no such U.S. provisional applications have been filed.
- ☒ such U.S. provisional applications have been filed as follows:

Application Number	Date of Filing (month, day, year)	Priority Claimed Under 35 USC 119(e)
60/201,405	May 3, 2000	<u>X</u> Yes    No <u>   </u>
		<u>   </u> Yes    No <u>   </u>
		<u>   </u> Yes    No <u>   </u>

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(s)**

I hereby claim the benefit under Title 35, United States Code §120, of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United State Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56, and which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

(check one)

- ☒ no such U.S./PCT applications have been filed.
- ☐ such U.S./PCT applications have been filed as follows:

Application Number	Date of Filing (month,day,year)	Status (Patented/Pending/Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

Stephen J. Gaudet


of 150 Pelham Road, Salem, NH 03079, my attorney at law (Reg. P-48,921), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

Please mail correspondence to: Stephen J Gaudet  
whose address is:

150 Pelham Road

Salem, NH 03079

Please direct telephone calls to: Stephen J Gaudet  
at (603) 890-0316.

Full name of first inventor <b>Mitchell C. Sanders</b>	
Inventor's Signature 	Date <b>6/27/01</b>
Residence <b>25 Lakeview Drive, Leicester, MA 01524</b>	
Country of Citizenship <b>USA</b>	
Post Office Address (required) Same as above	

## ASSIGNMENT

Whereas I, the undersigned, **Mitchell C. Sanders**, hereby have made certain inventions or discoveries (or both) set forth in an application for Letters Patent of the United States of America entitled **A DEVICE FOR DETECTING BACTERIAL CONTAMINATION AND METHOD OF USE**, identified as Attorney Docket No. **1002-06**, which application was filed on **May 3, 2001** and assigned Application No. **09/848,781**. In the event that the execution date, filing date and/or Application No. are not entered above at the time we execute this document, and if such information is deemed necessary, we hereby authorize and request our attorney, **Stephen J. Gaudet** (Reg. P-48,921) at 150 Pelham Road, Salem, NH 03079, to insert above the execution date, filing date and/or Application No. of said application.

Whereas, **Expressive Constructs, Inc.**, a Massachusetts corporation having a place of business at **Four Biotech, 377 Plantation Street, Worcester, MA 01605**, and which, together with its successors and assigns, is hereinafter called "Assignee," is desirous of acquiring the title, rights, benefits and privileges hereinafter recited;

Now, therefore, for valuable consideration furnished by Assignee to us, receipt and sufficiency of which we hereby acknowledge, we hereby, without reservation:

1. Assign, transfer and convey to Assignee the entire right, title and interest in and to said inventions and discoveries, said application for Letters Patent of the United States of America, any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation, reissue and Convention applications based in whole or in part upon said inventions or discoveries, or upon said applications, and any and all Letters Patent, reissues, reexaminations, and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications and said Letters Patent;
2. Authorize Assignee to file patent applications in any or all countries on any or all of said inventions and discoveries in our name or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise;
3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title and interest therein or otherwise as Assignee may direct;

4. Warrant that we have not knowingly conveyed to others any right in said inventions, discoveries, applications or patents or any license to use the same or to make, use or sell anything embodying or utilizing any of said inventions or discoveries; and that we have good right to assign the same to Assignee without encumbrance;

5. Bind our heirs, legal representatives and assigns, as well as us, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to us or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by us, our heirs, legal representatives and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to us relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples and other physical exhibits in our control or in the control of our heirs, legal representatives or assigns which may be useful for establishing the facts of our conceptions, disclosures, and reduction to practice of said inventions and discoveries.

In testimony of which I have executed this Assignment as an instrument under seal on the dates indicated next to my name.

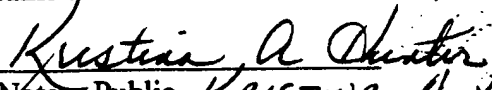
Dated: 6/27/01

  
Mitchell C. Sanders

Commonwealth of Massachusetts

County of Worcester

On this 2nd day of July, 2001, before me appeared Mitchell C. Sanders to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she acknowledged the same to be his/her free act and deed.

  
Notary Public KRISTINA A. HUNTER  
My Commission Expires: JUNE 10, 2005

[seal]

ASSIGNMENT